

concentration will be 1254  $\mu\text{g}/\text{m}^3$ . The three predicted values do not exceed the annual primary standard (80  $\mu\text{g}/\text{m}^3$ ), the 24-hour primary standard (365  $\mu\text{g}/\text{m}^3$ ), and the 3-hour secondary standard (1300  $\mu\text{g}/\text{m}^3$ ). Since the highest predicted concentrations of  $\text{SO}_2$  are in compliance with the standards, it can be concluded that the entire modeled area is in compliance with the standards. The conclusion is based on the proposed emission rates and on the current rate of 49 tons/day.

The current rate was established in a revision to the Maryland SIP on April 25, 1980, 40 FR 27933. The 49 tons/day figure is also utilized with the LUMM model, and predicts concentrations lower than those predicted with the 66 tons/day and 17 tons/3-hour figures. Accordingly, the LUMM model concludes that with either the new or old emission standards the Election District Number Eight is in compliance with the NAAQS for  $\text{SO}_2$ .

Additionally, monitoring data was collected in accordance with EPA requirements from three monitors located in the area of influence, two placed in the Election District and one placed adjacent to the Election District in Garrett County, Maryland. The monitoring data from Maryland demonstrates that no violations of the ambient  $\text{SO}_2$  standards occurred from December, 1979 to November, 1981. An additional 8 monitors were sited adjacent to the Election District in the Piedmont magisterial District of West Virginia, on property owned by the Westvaco Corporation to which the general public does not have access. Although these monitors recorded levels above the  $\text{SO}_2$  NAAQS, they do not represent ambient air (see, 40 CFR 50.1(e) (1983)) and were utilized only to support the development and performance evaluation of the LUMM model.

Since completing construction of the new stack at the Westvaco Corp. Mill, portions of EPA's stack height regulations, which formed the basis for Westvaco's stack modifications, were overturned by the U.S. Court of Appeals for the D.C. Circuit (*Sierra Club v. EPA*, 719 F.2d 436 (D.C. Cir., 1983) cert. denied, 52 U.S.L.W. 3929 (U.S. July 2, 1984)). In response, EPA proposed revised stack height regulations on November 9, 1984 (49 FR 44878). The stack heights credit used in establishing the emission limitations and, thus, the ambient attainment status of Election District Number Eight, is consistent with this proposal.

## EPA Actions

Based on these air quality diffusion modeling results and the monitoring data, EPA proposes to approve Maryland's redesignation request for the Luke Election District Number Eight with respect to  $\text{SO}_2$ . The public is advised that any comments on this proposed action must be submitted on or before January 28, 1985.

## General

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. (b), the Administrator has certified that the redesignation does not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

## List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107 Clean Air Act (42 U.S.C. 7404))

Dated: November 19, 1984.

Thomas P. Eichler,

Regional Administrator.

[FR Doc. 84-33745 Filed 12-27-84; 8:45 am]

BILLING CODE 6560-50-M

## 40 CFR Part 773

[OPTS-47002C; FRL 2724-4]

## Chlorinated Benzenes

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** In this notice, EPA announces three decisions concerning the rulemaking proceeding initiated in July 1980 (45 FR 48524) to require health effects testing of the chlorinated benzenes pursuant to section 4(a) of the Toxic Substances Control Act (TSCA). First, the Agency is finalizing a preliminary decision to withdraw certain portions of the proposed test rule [see 48 FR 54836 (Dec. 7, 1983)]. Secondly, as a result of a recent court suit, the Agency cannot accept the negotiated testing program submitted by the Chlorobenzene Producers Association (CPA). A decision whether to require reproduction effects testing of monochlorobenzene (MCB), orthodichlorobenzene (*o*-DCB), and paradichlorobenzene (*p*-DCB) (addressed by the CPA testing program) will be announced in the Agency's final action on the chlorobenzene proposed test rule. Thirdly, the Agency is announcing that any rulemaking on chlorobenzenes' health effects testing

will be conducted in a single phase rule (see Unit IV).

## FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Room 542 East Tower, 401 M Street, SW., Washington, D.C. 20460, Toll Free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the USA: (Operator-202-544-1404).

**SUPPLEMENTARY INFORMATION:** EPA is finalizing its decision published on December 7, 1983, to withdraw portions of its proposed test rule to require health effects testing of the chlorinated benzenes.

## I. Background

On October 12, 1977 (42 FR 55026), the Interagency Testing Committee (ITC) designated monochlorobenzene and the dichlorobenzenes for health and environmental effects testing consideration. On October 30, 1978 (43 FR 50630), the ITC also designated tri-, tetra- and pentachlorobenzenes for health and environmental effects testing consideration. The Agency responded to the ITC's health effects testing recommendations by issuing a proposed health effects test rule for both groups of chlorinated benzenes in the **Federal Register** of July 18, 1980 (45 FR 48524).

On December 7, 1983 (48 FR 54836), EPA issued a proposed rule-related notice and request for comments on a proposed negotiated testing agreement for reproductive effects testing of certain chlorinated benzenes, and a tentative decision to withdraw a number of the health effects testing requirements the Agency previously had proposed. Only the Chlorobenzene Producers Association (CPA) submitted comments on the rule-related notice.

The Agency has also published a proposed rule and an advance notice of proposed rulemaking for environmental effects testing of these chlorinated benzenes [see 49 FR 1760 (Jan. 13, 1984)]. This notice addresses only those health effects decisions discussed in EPA's December 7, 1983, notice.

## II. Decision To Withdraw Portions of Proposed Rule

The Agency believes that the information described in its December 1983 **Federal Register** notice is (1) sufficient to reasonably determine or predict the risks to humans exposed to the chlorinated benzenes for those health effects for which testing requirements were proposed to be withdrawn and (2) demonstrates that the number of persons exposed to pentachlorobenzene is sufficiently small such that the findings under TSCA

section 4(a) cannot be made. The CPA agreed with this assessment, and no public comments were received that opposed these conclusions. Therefore, EPA is hereby withdrawing those portions of the proposed test rule that would have required the following health effects testing of the chlorinated benzenes: (1) structural teratogenicity

(developmental toxicity) testing for MCB, *o*-DCB, and *p*-DCB, and 1,2,4-trichlorobenzene (1,2,4-TCB); (2) subchronic effects testing of MCB, *o*-DCB, *p*-DCB, and 1,2,4-TCB; and (3) oncogenicity and reproductive effects testing of pentachlorobenzene (see Table).

**SUMMARY OF THE REQUIRED HEALTH EFFECTS TESTS INCLUDED IN THE JULY 18, 1980 PROPOSED RULE AND RATIONALE FOR DECISIONS NOT TO PURSUE PORTIONS OF THIS TESTING THROUGH RULEMAKING**

	Oncogenicity	Structural teratogenicity	Reproductive effects	Subchronic
Monochlorobenzene .....		WX*	X*	WX*
Orthodichlorobenzene .....		WX*	X*	WX*
Paradichlorobenzene .....		WX*	X*	WX*
1,2,4-Tri- .....	X*	WX*		WX*
1,2,4,5-Tetra- .....	X*	X*	X*	X*
Pentachlorobenzene .....	WX*		WX*	

X= Testing proposed July 18, 1980.

...= Testing not proposed July 18, 1980.

W= Proposed testing being withdrawn in this notice.

\* Lack of sufficient TSCA exposure to support testing; this exposure does not include that resulting from FIFRA uses of the chemical.

\* Adequate data submitted subsequent to proposal or appropriate testing in progress.

\* Sufficient data available to reasonably predict low risk at anticipated exposure levels.

\* Remains under consideration for inclusion in final test rule.

### III. Decision Not To Adopt Negotiated Testing Agreement

In its December 1983 notice, EPA announced its intention to withdraw that portion of the proposed rule that would require reproductive effects testing of MCB, *o*-DCB and *p*-DCB. This preliminary decision was based on the tentative acceptance of a negotiated testing program submitted by the CPA which addressed the reproductive effects testing of these chlorinated benzenes. The Agency believed that the CPA testing program, including any follow-up testing determined to be necessary based on the initial test results, would have provided sufficient data to reasonably determine or predict the reproductive effects of MCB, *o*-DCB, and *p*-DCB. The CPA submitted comments which both supported this conclusion and argued that the tentative decision to accept the negotiated testing program should be finalized.

In late 1983, however, the Natural Resources Defense Council (NRDC) and the Industrial Union Department of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) filed an action under TSCA section 20 which challenged, among other things, EPA's utilization of negotiated testing agreements in lieu of initiating rulemaking under TSCA section 4(a) for four ITC-designated chemical substances [*NRDC and AFL-CIO v. EPA*, 83 Civ. 8844 (S.D.N.Y. Dec. 6, 1983)]. In an August 23, 1984 Opinion and Order, the district court found that in EPA's responses to chemicals

designated by the ITC, negotiated agreements may not be adopted by EPA in lieu of requiring testing through section 4(a) test rules [see *NRDC and AFL-CIO v. EPA*, 83 Civ. 8844, slip op. at 18 (S.D.N.Y. August 23, 1984)]. In accordance with this opinion, EPA has decided not to adopt the CPA testing program. Therefore, that portion of the original proposal concerning reproductive effects testing of MCB, *o*-DCB and *p*-DCB will be addressed in the final Agency action on the chlorinated benzenes proposed health effects test rule (see Table and Unit IV, below).

### IV. Development of Final Rule

Having decided to withdraw certain portions of the test rule proposal and not to adopt the CPA testing program, the Agency will now be proceeding with the rulemaking process for the remaining portions of the chlorinated benzenes health effects testing proposal: (1) Oncogenicity testing of 1,2,4-TCB; (2) certain health effects testing of 1,2,4,5-tetrachlorobenzene; and (3) reproductive effects testing of MCB, *o*-DCB and *p*-DCB (see Table). Any final rule concerning these testing requirements will be promulgated in a single phase, such that the rule will include test standards and deadlines for submission of test data. In the proposed rule, EPA set forth proposed reporting requirements and data submission deadlines and proposed that the testing should be done in accordance with the applicable proposed test standards (with possible chemical-specific

modifications) [see 45 FR 48565 (July 18, 1980)]. The Agency will base any final test standards for the chlorinated benzenes test rule on the proposed standards and the record compiled in this rulemaking.

EPA held a public meeting on September 25, 1984 to discuss the oncogenicity testing of 1,2,4-TCB and the health effects testing of 1,2,4,5-tetrachlorobenzene. Public comments were submitted and a transcript of that meeting is available in the public docket of this rulemaking proceeding. In accordance with the Final Order and Judgment in *NRDC and AFL-CIO v. EPA*, the Agency expects to take final action on the remaining portions of the chlorinated benzenes proposed health effects test rule by June 1986.

### V. Public Record

EPA has established a public record for this rulemaking proceeding [docket number OPTS-47002C]. This record includes:

(1) Federal Register notices designating the chlorinated benzenes to the priority list (42 FR 55026 and 43 FR 50630) and all comments received on the chlorinated benzenes.

(2) Federal Register notices of EPA's proposed health effects test rule on chlorinated benzenes (45 FR 48424) and all comments received on the proposed testing.

(3) Federal Register notices (48 FR 54836) requesting comment on the negotiated testing program and decision to withdraw proposed test rule, and comments received.

(4) Communications consisting of letters, contact reports of telephone conversations, and meeting summaries.

(5) Proposed test standards for oncogenicity, structural teratogenicity, reproductive effects and subchronic effects (44 FR 44054 and 27334) and comments submitted on those standards which may be found in public dockets #OPTS-46005 and 46003.

(6) Published and unpublished data.

(7) Transcript of September 25, 1984 Public Meeting.

The record, containing the information considered by the Agency in developing this decision, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday except legal holidays, in Room E-107, 401 M St., SW., Washington, D.C. 20460. The Agency will supplement this record periodically with additional relevant information received.

(Sec. 4, Pub. L. 94-469, 90 Stat. 2003; 15 U.S.C. 2601)

Dated: December 19, 1984.  
 William D. Ruckelshaus,  
*Administrator.*  
 [FR Doc. 84-33750 Filed 12-27-84; 8:45 am]  
 BILLING CODE 6560-50-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-6625]

#### Revision of Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency  
Management Agency.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Dayton, Rockingham County, Virginia.

Due to recent engineering analysis, this proposed rule would revise the proposed determinations of base (100-year) flood elevations published in the *Federal Register* at 49 FR 40939 on October 18, 1984, and hence would supersede those previously published proposed rules.

**DATES:** The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Dayton Municipal Building, Dayton, Virginia.

Send comments to: Honorable Marion I. Eberly, Mayor of the Town of Dayton, Municipal Building, P.O. Box 215, Dayton, Virginia 22821.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0701.

**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Dayton, Rockingham County, Virginia, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain

management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Cooks Creek.	At downstream corporate limits .....	*1,202
	Approximately 200 feet upstream of State Route 701 (second crossing).	*1,208
Sunset Heights Branch.	At northwest corporate limits.....	*1,221
	At confluence of Cooks Creek.....	*1,203
	Approximately 240 feet upstream corporate limits.	*1,206

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator).

Issued: December 12, 1984.

Jeffrey S. Bragg,  
*Administrator, Federal Insurance  
 Administration.*

[FR Doc. 84-33708 Filed 12-27-84; 8:45 am]

BILLING CODE 6718-03-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 67

[CC Docket Nos. 78-72 and 80-286]

#### MTS and WATS Market Structure; and Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board.

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Order Inviting Comments on  
Implementation of Alternative Access  
Charge Tariffs.

**SUMMARY:** This Order requests comments concerning implementation of alternative access charge tariffs for recovery of carrier common line costs and procedures for Joint Board study of

proposals for experimental tariffs for the recovery of non-traffic sensitive costs. Comments are being requested to obtain information and views concerning these issues. This will assist the Commission in developing implementation rules for alternative tariffs and procedures for Joint Board review of proposals for experimental tariffs.

**DATE:** Comments are to be filed by January 11, 1985. Replies are to be filed by January 23, 1985.

**ADDRESS:** Federal Communications  
Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:**  
 Claudia Pabo or William Kirsch,  
 Common Carrier Bureau (202) 632-6363.

#### SUPPLEMENTARY INFORMATION:

#### List of Subjects in 47 CFR Part 67

Communications common carriers  
telephone.

#### Order Inviting Comments

In the matter of MTS and WATS market structure; Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board; CC Docket No. 78-72; CC Docket No. 80-286.

Adopted: December 17, 1984.

Released: December 18, 1984.

By the Chief, Common Carrier Bureau for  
the Federal-State Joint Board

#### I. Introduction

##### A. Summary

1. The Chief, Common Carrier Bureau, hereby requests comments on a number of issues related to implementation of the optional alternative tariff provisions for recovery of interstate carrier common line costs <sup>1</sup> recommended by the Federal-State Joint Board at its meeting on November 15, 1984. The Bureau also requests comments on procedures for Joint Board review of proposed experimental tariff filings for recovery of interstate non-traffic sensitive costs.<sup>2</sup> While the Commission has not yet acted on the Joint Board's recommendations, the Bureau is requesting comments at this time so that interested local exchange companies will be able to move forward rapidly with alternative tariff provisions if the Commission adopts the Joint Board's recommendations in this regard.

<sup>1</sup> Carrier common line costs include customer premises equipment as well as inside wiring and local loop costs not recovered through subscriber line charges. These costs also include the Universal Service Fund and the National Exchange Carrier Association's operating expenses.

<sup>2</sup> See para. 3 *infra* for a discussion of the Joint Board's recommendation concerning experimental tariff filings.